

Amendments to House Bill No. 478
1st Reading Copy

Requested by Representative Kathleen Williams

For the House Agriculture Committee

Prepared by Joe Kolman
February 19, 2015 (2:38pm)

1. Title, page 1, line 11.

Following: "SECTIONS"

Insert: "30-12-301,"

2. Page 2, line 11.

Strike: "registered area of a"

3. Page 3, line 10.

Following: line 9

Insert: "(7) A tribal government may pursue an agreement with the department pursuant to the authority provided in 50-1-106 to coordinate the registration of cottage food operations subject to tribal regulations. The agreement must include an appeals process if the registration is not approved.

(8) If there is not a cooperative agreement pursuant to subsection (7), a person in charge of a cottage food operation may register with the department."

4. Page 4, line 14.

Following: line 13

Insert: "Section 5. Section 30-12-301, MCA, is amended to read:

"30-12-301. Method of sale of commodities -- general. (1)

Commodities in liquid form ~~shall~~ may be sold only by liquid measure or by weight, and, except as otherwise provided in parts 1 through 5, commodities not in liquid form ~~shall~~ may be sold only by weight, by measure of length or area, or by count. Liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if those methods give accurate information as to the quantity of commodity sold. This section does not apply to:

(a) commodities when sold for immediate consumption on the premises where sold;

(b) vegetables when sold by the head or bunch;

(c) commodities in containers standardized by a law of this state or by federal law;

(d) commodities in package form when there exists a general consumer usage to express the quantity in some other manner;

(e) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure; or

12. Page 22, Line 19.

~~registration.~~~~transaction is exempt from permitting, License, and~~~~insert: "(2) A person who exchanges foods in a nonmonetary~~~~strike: subsection (2) in its entirety~~

11. Page 19, Line 4 through Line 5.

~~operating a mobile retail food establishment.~~~~subsection (5), the department may issue a license to a person~~~~(6) If there is not a cooperative agreement pursuant to~~~~appetals process if the license is not valid.~~~~subject to tribal regulations. The agreement must include an~~~~coordinate the licensing of mobile retail food establishment~~~~department pursuant to the authority provided in 50-1-106 to~~~~insert: "(5) A tribal government may pursue an agreement with the~~~~following: Line 25~~

10. Page 18, Line 26.

~~insert: "served to the public"~~~~strike: "in a cottage food operation"~~

9. Page 17, Line 18.

~~insert: "(21)(c)(xi)"~~~~strike: "(20)(c)(xi)"~~

8. Page 15, Line 9.

~~strike: "or acidity"~~

7. Page 13, Line 1.

~~strike: "that do not" on Line 5 through "safety" on Line 6~~

6. Page 11, Line 5 through Line 6.

~~insert: "in a registered area of a"~~~~strike: "of that person's primary"~~~~following: "Kitchen"~~

5. Page 11, Line 2.

~~renumber: subsequent sections~~

{ 30-12-407x }

{ Internal References to 30-12-301:

~~and presented as to be accurate and informative to all parties~~~~accuracy with good commercial practice and are so determined~~~~assure ensure that amounts of commodity sold are determined in~~

(g) cottage food products as defined in 50-50-102.

(f) unprocessed vegetable and animal fertilizer when sold

by

cubic

measure

Following: "received."

Insert: "This subsection does not prohibit the cancellation of a permit in the event of an immediate threat to the public health. The permitholder retains the right of appeal."

13. Page 24, line 18.

Following: "licensed"

Insert: "or permitted"

- END -